

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 1:11CR199
v.)	
)	Status Hearing Date: September 28, 2011
EDWARD MACAULEY, et al.)	
)	The Honorable James C. Cacheris
Defendants.)	

MOTION BY THE UNITED STATES TO EXCLUDE POLYGRAPH EVIDENCE

The United States moves to exclude polygraph evidence and asks the Court to ensure that defense counsel advise their clients of the Court's ruling. On September 12, 2011, Gregory Stambaugh, defense counsel for defendant Theophilus Akwei, informed attorneys for the United States that his client had taken a polygraph examination in connection with this case. The Fourth Circuit has long held, and repeatedly reaffirmed, that polygraph evidence is inadmissible at trial. *See, e.g., United States v. Dotson*, 324 F. 3d 256, 261 (4th Cir. 2003). Accordingly, the United States respectfully requests that the Court issue an order excluding from trial any reference to defendant Akwei's polygraph examination or its results and that the Court order defense counsel Stambaugh to admonish his client that no such reference may be made at trial. The United States will make this motion orally at the status hearing set for September 28, 2011.

Respectfully submitted,

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/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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